

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: April 13, 2005

Re: **FUTURE LAND USE MAP AMENDMENT: Low Density Residential to Medium Density Residential at 821, 823 Mercury Street and 824 Wiggington Road.**
REZONING: R-2, Low-Medium Density Single Family Residential District to R-3C, Medium Density Two-Family Residential District (Conditional) at 821, 823 Mercury Street and 824 Wiggington Road.
CONDITIONAL USE PERMIT (CUP): Wiggington Place Townhomes, 821, 823 Mercury Street and 824 Wiggington Road.

I. PETITIONER

Gant Properties, Inc., P.O. Box 622 Forest, VA 24551

Representative: Joe Gantt, Gant Properties, Inc., P.O. Box 622, Forest, VA 24551

II. LOCATION

The subject properties are located at 821, 823 Mercury Street and 824 Wiggington Road, Lynchburg, VA 24502 total approximately 1.55 acres.

Property Owners: Benjamin J. & Doris Cowins, 881 W. Witt Road, Danville, VA 24540

III. PURPOSE

The purpose of this petition is to allow construction of three (3) townhouse buildings totaling sixteen (16) units.

IV. SUMMARY

- Petition proposes to change the *Future Land Use Map* designation for this area from Low Density Residential to Medium Density Residential land use. Adjacent land uses as designated by the Future Land Use Map include a combination of low density residential, medium density residential, commercial and industrial properties.
- Petition agrees with the Zoning Ordinance in that townhomes are allowed in an R-3, Medium Density Two-Family Residential District with approval of a conditional use permit (CUP) from the City Council.
- Petition(s) proposes to amend the Future Land Use Map, rezone the subject property and obtain a CUP to construct a three (3) building, sixteen (16) unit townhome complex, including associated parking and recreational areas.

The Planning Division recommends approval of the Future Land Use Map amendment, the rezoning and the conditional use permit petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Low Density Residential development in this area. Low Density Residential areas are dominated by single family detached housing at densities of up to four dwelling units per acre. The petitioner proposes to amend the Future Land Use map to Medium Density Residential for the subject property which is characterized by small-lot single family detached housing, duplexes and townhouses at

densities up to twelve (12) units per acre; the site plan, as proposed, provides for a density of ten and one third (10.3) units per acre. The plan also recommends that where neighborhoods already exist, infill development should be at a compatible density and housing type. Existing land-uses within the area currently include a mix of single-family residential homes, multi-family residential, commercial uses and vacant industrial property.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low Density Single Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
 - 1) Substantial compliance with final site plan of development (Date to be determined).
 - 2) All town homes will be custom built and bricked in a Williamsburg architectural design.
 - 3) Landscaping of the entire area will be in compliance with the scenic corridor restrictions.
 - 4) Each town home will have ten (10) foot ceilings on the main level.
 - 5) All front porches or stoops will be bricked. There will be no treated wood decks, porches, etc. If wooden railings are required, they will be painted.
 - 6) We will use architectural design shingles.
 - 7) There will be brick columns at the Wiggington Road entrance.
 - 8) Private street lights will be placed on the property.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the project as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - 9/14/2004: City Council approved Nextel Partner's CUP petition to collocate cellular equipment on an existing tower at 208 Schothum Street.
 - 12/14/2004: City Council approved Joe Gantt's petition to rezone the property at 811 Mercury Street from R-2 and B-3 to B-3C to allow for the construction of a duplex on the lot.
 - 12/16/2003: City Council approved Joe Gantt's petition to rezone the property at 813 Mercury Street from R-2 to B-3C to allow for the construction with the appropriate setbacks of an office complex with parking.
 - 3/9/1999: City Council approved Lester Mulligan and Albert Henry's CUP petition for the construction of a veterinary hospital at 802-804 Wiggington Road.
 - 2/11/1997: City Council approved Richard Gilmore's petition to rezone the property at 811 Wiggington Road from B-3 & I-3 to B-3C for the construction of a funeral home.
 - 8/14/1990: City Council approved the City of Lynchburg Parks & Recreation Department's CUP petition to amend the master plan for Peaks View Park with access points on Ardmore Drive, Tenbury Drive and Ivy Creek Lane for the property off of Ardmore Drive.

- 1/27/1981: City Council approved the City of Lynchburg Parks & Recreation Department's CUP petition to develop a master plan for a new city park (Peaks View Park) off of Ardmore Drive.

6. **Site Description.** The subject property currently includes one (1) single-family home, two (2) garages and an "out" building; each of these structures will be demolished and removed for the construction of the development. The property is bounded to the north, south and east by single-family residential homes and to the west by a combination of multi-family residential and commercial uses. Properties to the southeast include a mix of commercial and vacant industrial land-uses.
7. **Proposed Use of Property.** The purpose of the rezoning and conditional use permit is to allow construction of a three (3) building, sixteen (16) unit townhome community. The townhomes will be constructed as two (2) and three (3) level brick structures with the same architectural design and landscaping as the units on the adjacent Gantt property (811 Mercury Street). The petitioner proposes to provide paved parking, including curb and gutter, and eight hundred (800) square feet of landscaping for the project.
8. **Traffic and Parking.** The City's Traffic Engineer had no comments of concern regarding traffic from the proposed development.

Parking requirements for the proposed development are set at two and one half (2.5) spaces per unit by the City's Zoning Ordinance. The site plan indicates that forty (40) parking spaces will be provided for the townhomes; 40 spaces are required to meet City Code.

9. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The increase in post-development runoff conditions due to the new impervious area will be managed through the use of an above-ground stormwater detention facility that will be designed to release the stormwater at or below pre-development runoff rates; the detention area will ultimately discharge into an existing roadside ditch along Wiggington Road. A preliminary drainage review indicates the ditch is small, intermittent and inadequate for approximately three hundred (300) feet downstream of the site. Since the existing ditch is currently inadequate, it will need to be improved to repair the erosion areas and provide a defined conveyance to the inlet further downstream of the site. Staff recommends that the improved channel be installed as a standard grass-lined swale for water quality purposes.
10. **Impact.** The development of the sixteen (16) unit townhome community and associated parking will have limited impacts on the surrounding neighborhood. The design and layout of the buildings are acceptable. Staff recommends that foundation plantings be placed along the sides of the buildings that face Wiggington Road and Mercury Street, respectively, to enhance the look of the buildings where they are visible from the street as well as provide a water quality enhancement for the townhomes.

Parking and traffic requirements have been sufficiently met for the project. The petitioner has proffered that private street lights will be placed on the property. The lights should be non-directional and glare-shielded to prevent illumination across the property line onto adjacent properties.

An above ground detention facility is proposed for the property. Staff recommends that the facility be converted to a bioretention facility or similar low-impact design measure if the runoff quantity allows for the practical application of this stormwater best management practice. If, at the discretion of the City's Environmental Planner, the use of a low impact measure cannot be

incorporated into the design such that a detention pond is the only acceptable measure, it is recommended that a vegetative buffer be used to screen the facility from Wiggington Road.

Stormwater that leaves the facility will ultimately drain to the existing roadside ditch along Wiggington Road. Since the existing ditch is currently inadequate, it will need to be improved to repair the erosion areas and provide a defined conveyance to the inlet further down Wiggington Road. Staff recommends that the improved channel be installed as a standard grass-lined swale for water quality purposes. If the velocity of the runoff will not allow a grass-lined swale to establish, staff recommends that, at the discretion of the Environmental Planner and the City Engineer, erosion control matting be used in lieu of a rip rap lining.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 22, 2005. Comments related to the proposed plan use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
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VI. PLANNING DIVISION RECOMMEND MOTION(S):

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Joe Gantt's petition to amend the Future Land Use Map at 821, 823 Mercury Street and 824 Wiggington Road from Low Density Residential to Medium Density Residential.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Joe Gantt's petition for a rezoning of R-2, Low-Medium Density Single Family Residential District to R-3(C), Medium Density Two-Family Residential District (Conditional), 821, 823 Mercury Street and 824 Wiggington Road.

Based on the preceding Findings of Fact, the Planning commission recommends to City Council approval of Joe Gantt's petition for a Conditional Use Permit (CUP) at 821, 823 Mercury Street and 824 Wiggington Road to allow for the construction of a sixteen (16) unit townhome community, subject to the following conditions:

1. **The property shall be developed in substantial compliance with the Preliminary Site Plan for Rezoning of Wiggington Place Townhomes 821 Mercury Street prepared by Berkley-Howell & Associates, P.C. and dated April 4, 2005.**
2. **Foundation plantings, subject to the review of the City Planner and Urban Forester, shall be planted along the sides of the buildings facing Wiggington Road and Mercury Street, respectively.**
3. **All exterior lighting shall be nondirectional and glare-shielded to prevent illumination across the property line onto adjacent properties.**
4. **Stormwater impacts shall be mitigated using a combination of Best Management Practices and Low Impact Development Standards to**

address both quantity and quality of runoff. Practices are subject to the approval of the City's Environmental Planner. If, at the discretion of the Environmental Planner, the use of a low impact measure cannot be incorporated into the design such that a detention pond is the only acceptable measure, a vegetative buffer shall be used to screen the facility from Wiggington Road.

- 5. Since the existing roadside ditch adjacent to Wiggington Road is currently inadequate, it will need to be improved to repair the erosion areas and provide a defined conveyance to the downstream inlet. The improved channel will be installed as a standard grass-lined swale. If the velocity of the runoff will not allow a grass-lined swale to establish, erosion control matting shall be used in lieu of a rip rap lining and is subject to the review of the Environmental Planner and the City Engineer.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Senior Planner
Ms. Erin Bryant, Environmental Planner
Mr. Joe Gantt, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plans)
- 4. Project Narrative**